

## UNITED STATES DISTRICT COURT

for the

WESTERN District of TEXAS**FILED**

October 20, 2021

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

United States of America

v.

Freddie D. Ross

BY: Crystal Dunford  
DEPUTY

Case No. SA-21-MJ-01180

Defendant(s)**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 6, 2021 in the county of Bexar in the  
Western District of Texas, the defendant(s) violated:*Code Section**Offense Description*18 U.S.C. § 922(u);  
18 U.S.C. § 922(g)(1)Theft of a Firearm from a Federal Firearms Licensee;  
Felon in Possession of a FirearmPENALTIES: Up to 10 Years Imprisonment, Up to \$250,000 fine, and  
Maximum 3 Years of Supervised Release

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.**JALAI GILBERT**Digitally signed by JALAI  
GILBERT  
Date: 2021.10.19 12:54:36 -05'00'*Complainant's signature*Jalai Gilbert, ATF Special Agent*Printed name and title*

- ☐
- Sworn to before me and signed in my presence.
- 
- ☒
- Sworn to telephonically and signed electronically.

Date: October 20, 2021 at 1:15 p.m.City and state: San Antonio, Texas*Judge's signature*Elizabeth S. Chestney, U.S. Magistrate Judge*Printed name and title*

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Special Agent Jalai Gilbert, being duly sworn do, hereby depose and state:

1. I have been employed as a Special Agent with the ATF since July 2020 and am currently assigned to the San Antonio I Field Office. Prior to July 2020, I was employed as a Police Officer for the Supreme Court of the United States. I have received training in investigations concerning violations of Title 18, including unlawful possession of firearms by prohibited persons and thefts from Federal Firearms Licensees.
2. On October 6, 2021, FREDDIE D. ROSS entered Action Pawn, a Federal Firearms Licensee, located at 5345 Walzem Rd, San Antonio, TX 78218, along with two unidentified males. ROSS spoke with a sales associate regarding pawning a t-shirt printing machine. The sales associate went to the back area of the store to confirm pricing for the machine. I have reviewed surveillance footage from the store, which shows when the sales associate went to the back of the store, Ross joined both unidentified males at the firearms glass display counter. Action Pawn also displayed firearms for sale on the wall behind the glass display counter.
3. In the surveillance footage I viewed, I saw one of the unidentified males climb over the counter and take an FN, model 509, 9mm pistol from the wall. While this occurred, Ross and the third male were looking around the store. Based on my training and experience, I believe they were acting as lookouts. Once the unidentified male was back over the counter, he placed the pistol in his pocket. Both unidentified males left Action Pawn.
4. The sales associate returned and continued the transaction with ROSS. In order to pawn the printing machine, ROSS was required to provide identification. ROSS provided his Texas Identification Card to the sales associate. The sales associate used ROSS' identification card to confirm his identity and completed the transaction.
5. ROSS returned to the firearm display counter. While no sales associates were looking, Ross climbed over the counter and grabbed a Springfield, model XD9, 9mm pistol from the wall. Ross then climbed back over the counter, placed the pistol in his pocket, and left Action Pawn.
6. Although I was unable to determine the make and model of the stolen pistols from the surveillance footage, I received information from the Assistant Manager of Action Pawn regarding the make, model, caliber, and serial numbers of the two pistols stolen on October 6, 2021, as well as which individual stole each pistol.

7. Both the FN and Springfield pistols were not manufactured in the State of Texas, and therefore traveled in interstate commerce.
8. I have reviewed ROSS's criminal history. Ross was previously convicted of Obstruction/Retaliation, a third-degree felony in the State of Texas, which is punishable by imprisonment for more than one year.

Based on the above facts, I believe there is probable cause to believe that FREDDIE D. ROSS knowingly committed the offenses of Theft of a Firearm from a Federal Firearms Licensee, in violation of 18 U.S.C. § 922(u), and Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1).

**JALAI GILBERT**

Digitally signed by JALAI  
GILBERT  
Date: 2021.10.19 12:54:52 -05'00'

---

Special Agent Jalai Gilbert  
Bureau of Alcohol, Tobacco, Firearms, and  
Explosives

SUBSCRIBED AND SWORN TO TELEPHONICALLY  
THIS 20th DAY OF OCTOBER \_\_, 2021.

  
HONORABLE ELIZABETH S. CHESTNEY  
UNITED STATES MAGISTRATE JUDGE